III. REMARKS

1. 1, 2, 5, 7-9, 12-14, 17, 21-29 and 31-35 are amended. Claim 36 is cancelled without prejudice.

It is noted that claims 33 and 35 are indicated as containing allowable subject matter, however claim 35 is listed as a rejected claim in item 1 of the instant Office Action. Clarification is respectfully requested.

2. Claims 1-5, 7-15, 17-32, 34 and 35 are patentable under 35 U.S.C. 103(a) over Byrne, U.S. Patent No. 5,737,703 and Huang et al., U.S. Patent No. 6,041,358 ("Huang"). Claim 1 recites that a criterion for the intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address. Nowhere is this feature disclosed or suggested Byrne and Huang.

Column 7, lines 50-60 of Byrne recites that "the direct link between the CCFP 505 and MSC 138 has an information bandwidth of typically 2 Mbits/s. Such a bandwidth is capable of transmitting the necessary control signals between the MSC 138 and the CCFP 505 to facilitate automatic paging between systems and handover between systems." "The CCFP 505 of the DECT system may have access to the VLR 137, HLR 139, AC and EIR of MSC 138 via the direct link 530." "Each CCFP 505 can monitor the whereabouts of other radio telephones and can also use the security checks provided by the GSM system to monitor radio telephones logged onto the DECT system." Applicant respectfully requests that the Examiner explain exactly how this cited language from Byrne reads on Applicant's claims as there is absolutely no disclosure or suggestion in this cited passage nor anywhere else in Byrne that a criterion for the intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address a recited in Applicant's claim 1.

All that column 7, lines 50-60 indicates is that the control signals for a handover may be transmitted between different network elements (i.e. the CCFP and MSC) and that the CCFP may have access to the VLR and HLR and the known whereabouts of the radio telephones. This cited passage simply does not disclose or suggest that a "criterion" for "intersystem handover" is "one of" a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address as is explicitly recited in the claim. There is also no disclosure whatsoever in Byrne of a link between the handover and requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address.

Byrne explicitly states that the "in accordance with the invention (in Byrne) ... a call may be automatically carried out using the radio telephone system having the highest signal quality or the lowest cost" (Col. 3, L. 49-52). Byrne also discloses at column 6, lines 23-27 that the CCT 200 monitors the radio system availability and registers with a radio system fulfilling a certain predetermined criterion or criteria such as cost per call and bit error rate. Thus, the handover criteria in Byrne is based on cost and signal quality. This is not what is claimed by Applicant. Applicant's claim 1 recites that a criterion for the intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address. Thus, Byrne does not disclose or suggest at least this feature of Applicant's claim 1 and combining Byrne with Huang does not remedy this defect.

Huang is cited only for the proposition that the information is based on a requested IP address (See Office Action, page 3). However, the IP address mentioned at column 3, lines 35-40 in Huang has nothing to do with a handover. Column 3, lines 35-40 merely addresses communication from a mobile station in one VLAN to another VLAN and nothing more. This communication is not related to a handover procedure. In Huang it is clear that the criterion for the handover is a coverage area (See Col. 4, L. 12-30). Column 4, lines 12-30 of Huang discloses that when the mobile terminal moves, it may leave the proximity of a base station which currently provides communication for the mobile terminal, and enter the proximity of a new base station. For example, as shown

in FIG. 2 of Huang, the node MT3, in the proximity of, and which is provided packet communication by, the node BS2, may move out of proximity with BS2 and into proximity with BS1. When MT3 moves out of proximity with BS2 and into proximity with BS1, the nodes MT3, BS2 and BS1 execute a handoff procedure whereby the node MT3 first transmits a handoff message to the node BS2. In response, the node BS2 "deregisters" the node MT3 and ceases to provide communications therefor. The node MT3 then transfers a message to the node BS1 which causes the node BS1 to "register" the node MT3 and begin providing communications for the node MT3. Nowhere in Huang is any connection made between the IP address and the handover procedure. Thus, Huang does not disclose or suggest that the IP address recited at column 3, lines 35-40 has anything to do with the handover procedure and combining Huang with Byrne does not disclose each and every feature claimed by Applicant as the portion of Byrne cited by the Examiner makes no such disclosure.

Therefore, claim 1 is patentable over the combination of Byrne and Huang because their combination does not disclose or suggest that a criterion for the intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address as recited by Applicant. Claims 22, 26, 32 and 34 are patentable over the combination of Byrne and Huang for reasons substantially similar to those described above with respect to claim 1. Claims 2-5, 7-15, 17-31 and 35 are patentable at least by reason of their respective dependencies.

Further, claim 2 recites that the transmission comprises a direct request for a specific type of radio access network. This is not disclosed or suggested by Byrne at column 8, lines 30-35 nor anywhere else in Byrne. All that column 8, lines 30-35 disclose are that the CCT 200 decides or is told by the system in Byrne that a handover to another system is required. Nowhere is it disclosed that a direct request for a specific type of radio access network is made in Byrne. Thus, claim 2 is patentable for this additional reason.

Claim 3 recites that the mobile terminal stores a list with at least one preferred type of radio access network, from which list the specific type of radio access network is selected. Nowhere is this feature disclosed or suggested by Byrne. Column 8, lines 30-35 of Byrne only discloses that the CCT 200 decides or is told by the system that a handover is required. The CCT 200 sets up a connection with a new system providing that a new system is available. Nowhere is a list with at least one preferred type of radio access network disclosed by the combination of Byrne and Huang. All that is disclosed in Byrne is that the CCT 200 monitors radio system availability and registers with a radio network fulfilling a certain criterion such as cost per call and bit rate error (Col. 6, L. 23-27). Thus, claim 3 is patentable for this additional reason. This argument also applies to claims 7, 23 and 27.

Claim 4 recites that at least one preferred type of radio access network is assigned to a specific type of content or to specific characteristics of contents and that the specific type of radio access network is selected based on a desired content. Column 8, lines 30-35 of Byrne does not disclose or suggest this feature. Again all that is disclosed at column 8, lines 30-35 of Byrne is that the CCT 200 decides or is told by the system that a handover is required and that the CCT 200 sets up a connection with a new system providing that a new system is available. Nowhere in Byrne or Huang is it disclosed or suggested that at least one preferred type of radio access network is assigned to a specific type of content or to specific characteristics of contents and that the specific type of radio access network is selected based on a desired content. Thus, claim 4 is patentable for this additional reason.

Claim 10 recites that the radio access network of the first type is a preferred type of radio access network of the mobile terminal due to a first criterion, and wherein the radio access network of the second type is a preferred type of radio access network of the mobile terminal due to a second criterion. This is not disclosed or suggested by Byrne. Column 8, lines 47-60 of Byrne only discloses that the handover will not occur unless the quality of the new connection is good and nothing more. Thus, claim 10 is patentable for this additional reason.

Claim 11 recites that an intersystem handover is required whenever a requested content is only available from a specific operator via said second type of radio access network. This feature is not disclosed or suggested by Byrne in view of Huang. Again, column 8, lines 30-35 of Byrne only discloses that the CCT 200 decides or is told by the system that a handover is required and that the CCT 200 sets up a connection with a new system providing that a new system is available. Nowhere is a handover being required whenever a requested content is only available from a specific operation via the second type of radio access network. The handover in Byrne is disclosed as being based on cost and signal quality (See Col. 3, L. 49-51). Thus, claim 11 is patentable for this additional reason.

Claim 12 recites that in the mobile terminal different access point names are assigned to different contents, which contents are available via different types of radio access network, and wherein the transmission comprises the access point name assigned to a requested content. This is not disclosed or suggested in Byrne at column 8, lines 30-35 as the Examiner suggests. This cited section of Byrne merely discloses that the CCT 200 decides or is told by the system that a handover is required and that the CCT 200 sets up a connection with a new system providing that a new system is available an nothing more. Thus, claim 12 is patentable for this additional reason. This argument also applies to claim 24.

Claim 13 is patentable over the combination of Byrne and Huang for additional reasons that are substantially similar to those described above with respect to claims 3 and 12.

Claim 15 recites that an intersystem handover should be performed whenever the second type of radio access network is required for a specific service. Nowhere is this disclosed at column 6, lines 1-9 of Byrne. Column 6, lines 1-9 of Byrne only describes that the microprocessor 210 of the cordless telephone monitors signals from the cordless receiver 221 indicating signal strength and for detecting received data. The microprocessor 210 also monitors signals form the transmitter 222 for sending transmitted data. The microprocessor also detects incoming calls, security codes and

broadcast information relevant to the cordless system. Nowhere are any services of the radio access networks disclosed or suggested. Thus, claim 15 is patentable for this additional reason.

Applicant further maintains that there is no motivation to combine Byrne with Huang for purposes of 35 U.S.C. § 103(a). "Motivation" requires that there must be some suggestion, either in the references themselves or within the knowledge available to one of ordinary skill in the art, to modify or combine the references. (See e.g. M.P.E.P. §2142). Neither Byrne nor Huang provide this requisite "suggestion" as is required.

Byrne only discloses an **explicit** initiation of a handover by a mobile terminal. (Col. 7, line 61 to Col. 8, line 14). In Byrne it is stated that "intersystem" knowledge of the location of CCTs 200 will facilitate handover during calls. (Col. 8, lines 5-6).

Huang also discloses an explicit handover message for causing an intra-system handover. In Huang, during the "handoff procedure" one node transmits a "handoff message" to the other node. However, there is no disclosure in either Byrne or Huang, and there is no motivation to modify Huang as proposed, that a handover is initiated based upon "a criterion for said intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address" as claimed.

Huang discloses a transmission of an ARP request packet including an IP address by a mobile terminal MT1. The IP address is used for determining the VLAN to which the node having the indicated IP address belongs and enabling a correct routing by means of an address translation (Col. 3, lines 35-55). This has no similarity to an intersystem handover. This is also apparent from the fact that when using the method of claim 1, a regular (or special as in Huang) routing of packets to a selected IP address has obviously to be performed in addition to the proposed handover. Thus, Huang also discloses an explicit handover message.

There is no link between the IP address used by Huang for the regular routing of packets and the "control signals" to facilitate handover in Byrne.

Since Byrne only discloses the explicit initiation of a handover, one would not look to Huang, which only discloses the regular routing of packets based on an included IP address, to derive a method for initiating a handover where "a criterion for said intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address" as claimed by Applicant. There is no suggestion or teaching in either Huang or Byrne, or in the knowledge generally available to one of skill in the art to use IP address information, not having any relation to a handover, as an option for the implicit initiation of a handover, as an alternative to the explicit handover operations proposed by both Byrne and Huang. Any suggestion that motivation exists to combine these references for purposes of achieving Applicant's claims can only be made with hindsight knowledge of the claims, since neither relates to using "a criterion for said intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address" as claimed by Applicant to initiate a handover.

Thus, since neither Byrne nor Huang provide the required "motivation" to combine references for purposes of 35 U.S.C. §103(a), a *prima facie* case of obviousness cannot be established.

Furthermore, Applicant respectfully notes that Byrne and Huang have been combined improperly. References may be combined under 35 U.S.C. §103(a) only if references are analogous art. In this case, Byrne and Huang are not analogous art. A reference is analogous art if:

1) The reference is in the same field of endeavor as the applicant's, or

2) The reference is reasonable pertinent to the particular problem with which the applicant was concerned.

Byrne relates to handovers where "inter system knowledge of the location of the CCTs 200 will facilitate handover during calls." (Col. 8, lines 5-6). Huang teaches that the nodes "execute a handoff procedure whereby the node MT3 first transmits a handoff message to the node BS2." (Col. 4, lines 23-25). Neither of these teachings have a relationship to what is claimed by Applicant, which is to initiate intersystem handover by transmitting information that is based on one of a request content, a requested access point number, a requested uniform resource location and a requested internet protocol address as is claimed. Thus, the references cannot be combined and the claims should be allowable.

There is no link between the IP address used by Huang for packet routing and the handover message of Byrne. Applicant's claims recite intersystem handover with respect to "a criterion for said intersystem handover is one of a requested content, a requested access point name, a requested uniform resource location and a requested internet protocol address". There is no such disclosure or teaching in the combination of Byrne and Huang. Thus, both Byrne and Huang are clearly deficient in this regard and the rejection cannot stand on this basis.

While the Examiner states that Byrne discloses intersystem handover, it is submitted that Byrne only discloses an explicit initiation of a handover. While Huang may discuss an internet protocol address, Huang does not request an internet protocol address for the purpose of handover as is suggested by the Examiner or claimed by Applicant. Huang therefore cannot be used in combination with Byrne to make Applicant's claimed invention obvious for purposes of 35 U.S.C.§103(a).

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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